

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

The Kroger Company,)	
)	
Plaintiff,)	Case No. 1:02-CV-439
)	
vs.)	
)	
Malease Food Corporation,)	
)	
Defendant.)	

O R D E R

On March 31, 2005, the Court entered an order (Doc. No. 83) directing Plaintiff The Kroger Company to elect whether to accept a remittitur of the jury's award to \$400,000 or retry to the issue of damages. Plaintiff did not file any election by the deadline established by the Court. Therefore, the Court concludes that Plaintiff has elected to accept the remittitur. Accordingly, the Court **ORDERS** that the jury's damage award in favor of Plaintiff be remitted to \$400,000.

IT IS SO ORDERED

Date April 25, 2005

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court